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20 **UNITED STATES DISTRICT COURT**

21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 M.H., a minor, through his Guardian Ad Litem,)
23 Michelle Henshaw, JOSEPH HARRISON, KRYSTLE)
24 HARRISON, MARTIN HARRISON, JR., and)
25 TIFFANY HARRISON, all Individually and as Co-)
26 Successors in Interest of Decedent MARTIN)
27 HARRISON,)
28 Plaintiffs,)

Case No. C11-2868 CW

**SECOND AMENDED COMPLAINT
FOR DAMAGES AND DEMAND
FOR JURY TRIAL**

29 vs.)
30 COUNTY OF ALAMEDA, a municipal corporation;)
31 SHERIFF GREGORY J. AHERN, in his individual and)
32 official capacities; DEPUTIES MATTHEW AHLF,)
33 ALEJANDRO VALVERDE, JOSHUA SWETNAM,)
34 ROBERTO MARTINEZ, ZACHARY LITVINCHUK,)
35 RYAN MADIGAN, MICHAEL BARENO,)
36 FERNANDO ROJAS-CASTANEDA, SHAWN)
37 SOBRERO, SOLOMON UNUBUN; MEGAN HAST,)
38 A.S.W.; CORIZON HEALTH, INC., a Delaware)
corporation; HAROLD ORR, M.D.; ZELDA)
SANCHO, L.V.N.; and DOES 5-20, individually,)
jointly and severally,)

Defendants.)

1 Plaintiffs, by and through their attorneys, LAW OFFICES OF JOHN L. BURRIS and
2 HADDAD & SHERWIN, for their Second Amended Complaint against Defendants, state as
3 follows:

4 **JURISDICTION**

5 1. This is a civil rights wrongful death/survival action arising under Title 42 of the
6 United States Code, Sections 1983 and 1988, and the First, Fourth, and Fourteenth Amendments to
7 the United States Constitution. Jurisdiction is conferred upon this Court by Title 28 of the United
8 States Code, Sections 1331 and 1333. Plaintiffs further invoke the supplemental jurisdiction of this
9 Court pursuant to Title 28 of the United States Code, Section 1333, to hear and decide claims
10 arising under state law. The amount in controversy herein, excluding interest and costs, exceeds the
11 minimum jurisdictional limit of this Court.
12

13 **INTRADISTRICT ASSIGNMENT**

14 2. A substantial part of the events and/or omissions complained of herein occurred in
15 the County of Alameda, California, and this action is properly assigned to the Oakland or San
16 Francisco Division of the United States District Court for the Northern District of California.

17 **PARTIES AND PROCEDURE**

18 3. Minor Plaintiff M.H. is and was at all times herein mentioned the son of Decedent
19 MARTIN HARRISON and a resident of the State of California. He is being represented in the
20 instant matter by his mother and Guardian Ad Litem, Michelle Henshaw, pursuant to Federal Rule
21 of Civil Procedure 17(c). Minor Plaintiff M.H. brings these claims individually and as co-successor
22 in interest for Decedent MARTIN HARRISON.

23 4. Plaintiff JOSEPH HARRISON is the son of Decedent MARTIN HARRISON and a
24 resident of the State of California. Plaintiff JOSEPH HARRISON brings these claims individually
25 and as co-successor in interest for Decedent MARTIN HARRISON.

26 5. Plaintiff KRYSTLE HARRISON is the daughter of Decedent MARTIN HARRISON
27 and a resident of the State of California. Plaintiff KRYSTLE HARRISON brings these claims
28 individually and as co-successor in interest for Decedent MARTIN HARRISON.

1 6. Plaintiff MARTIN HARRISON, JR. is the son of Decedent MARTIN HARRISON
 2 and a resident of the State of California. Plaintiff MARTIN HARRISON, JR. brings these claims
 3 individually and as co-successor in interest for Decedent MARTIN HARRISON.

4 7. Plaintiff TIFFANY HARRISON is the daughter of Decedent MARTIN HARRISON
 5 and a resident of the State of California. Plaintiff TIFFANY HARRISON brings these claims
 6 individually and as co-successor in interest for Decedent MARTIN HARRISON.

7 8. Plaintiffs bring these claims pursuant to California Code of Civil Procedure sections
 8 377.20 et seq. and 377.60 et seq., which provide for survival and wrongful death actions. Plaintiffs
 9 also bring their claims individually and on behalf of Decedent MARTIN HARRISON on the basis
 10 of 42 U.S.C. §§ 1983 and 1988, the United States Constitution, and federal and state civil rights
 11 law.

12 9. Defendant COUNTY OF ALAMEDA (“COUNTY”) is a municipal corporation,
 13 duly organized and existing under the laws of the State of California. Under its authority, the
 14 COUNTY operates the Alameda County Sheriff’s Department.

15 10. Defendant SHERIFF GREGORY J. AHERN (“AHERN”), at all times mentioned
 16 herein, was employed by Defendant COUNTY as Sheriff for the COUNTY, and was acting within
 17 the course and scope of that employment. He is being sued individually and in his official capacity
 18 as Sheriff for the COUNTY.

19 11. Defendant DEPUTIES MATTHEW AHLF (“AHLF”), ALEJANDRO VALVERDE
 20 (“VALVERDE”), JOSHUA SWETNAM (“SWETNAM”), ROBERTO MARTINEZ
 21 (“MARTINEZ”), ZACHARY LITVINCHUK (“LITVINCHUK”), RYAN MADIGAN
 22 (“MADIGAN”), MICHAEL BARENO (“BARENO”), FERNANDO ROJAS-CASTANEDA
 23 (“ROJAS”), SHAWN SOBRERO (“SOBRERO”), SOLOMON UNUBUN (“UNUBUN”), were
 24 each at all times herein mentioned a deputy sheriff employed by Defendant COUNTY OF
 25 ALAMEDA, and each was acting within the course and scope of that employment.

26 12. In engaging in the conduct described herein, Defendant Deputy Sheriffs acted under
 27 the color of law and in the course and scope of their employment with the COUNTY.

28 13. Defendant MEGAN HAST, A.S.W, (“HAST”) was at all times herein mentioned a
 registered associate social worker employed by Defendant COUNTY OF ALAMEDA in the

1 Criminal Justice Mental Health Department of Alameda County Behavioral Health Care Services.
2 Defendant HAST was called by a deputy to evaluate Decedent, and she failed to do so or to
3 summon medical care for Decedent despite the fact that he was exhibiting symptoms consistent
4 with severe alcohol withdrawal, a medical emergency requiring immediate transfer to a hospital for
5 inpatient emergency treatment.

6 14. Defendant HAST acted under the color of law and in the course and scope of her
7 employment with the COUNTY.

8 15. Defendant CORIZON HEALTH, INC. (“CORIZON”), previously/also known as
9 PRISON HEALTH SERVICES, INC., was at all times herein mentioned a Delaware corporation
10 licensed to do business in California. Defendant CORIZON HEALTH, INC. provided medical and
11 nursing care to prisoners and detainees in Alameda County jails, pursuant to contract with the
12 COUNTY OF ALAMEDA. On information and belief, CORIZON and its employee and agent
13 Defendant HAROLD ORR, M.D., are responsible for making and enforcing policies, procedures,
14 and training related to the medical care of prisoners and detainees in Defendant COUNTY OF
15 ALAMEDA’s jails, including assessing inmates for possible alcohol withdrawal, safe detoxification
16 of inmates who are alcohol dependent, preventing alcohol withdrawal in inmates, and safely
17 handling inmates who are experiencing alcohol withdrawal.

18 16. Defendant HAROLD ORR, M.D., (“ORR”) was at all times herein mentioned a
19 physician licensed to practice medicine in the State of California, an employee and/or agent of
20 Defendant CORIZON, working as the medical director of Defendant COUNTY OF ALAMEDA’s
21 jails responsible for overseeing and providing medical care to prisoners and detainees, and was
22 acting within the course and scope of that employment. On information and belief, Defendant ORR
23 was ultimately responsible for CORIZON’s provision of medical care to inmates at the jails,
24 including assessing inmates for possible alcohol withdrawal, safe detoxification of inmates who are
25 alcohol dependent, preventing alcohol withdrawal in inmates, and safely handling inmates who are
26 experiencing alcohol withdrawal, and all CORIZON policies, procedures, and training related
27 thereto.

28 17. Defendant ZELDA SANCHO, L.V.N., (“SANCHO”) was at all times herein
 mentioned employed by Defendant CORIZON as a licensed vocational nurse in Defendant

1 COUNTY OF ALAMEDA's jails, and was acting within the course and scope of that employment.
2 Defendant SANCHO performed the intake medical assessment on Decedent when he was booked
3 into jail, and failed to follow appropriate protocols for assessing, monitoring, and treating Decedent
4 for alcohol withdrawal, and for insuring follow-up for Decedent, who was placed or should have
5 been placed on alcohol withdrawal protocols.

6 18. Plaintiffs are ignorant of the true names and capacities of Defendants DOES 5
7 through 20, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiffs are
8 informed and believe and thereon allege that each Defendant so named is responsible in some
9 manner for the injuries and damages sustained by Plaintiffs as set forth herein. Plaintiffs will
10 amend their complaint to state the names and capacities of DOES 5-20, inclusive, when they have
11 been ascertained.

12 19. Plaintiffs are informed and believe and thereon allege that each of the Defendants
13 was at all material times an agent, servant, employee, partner, joint venturer, co-conspirator, and/or
14 alter ego of the remaining Defendants, and in doing the things herein alleged, was acting within the
15 course and scope of that relationship. Plaintiffs are further informed and believe and thereon allege
16 that each of the Defendants herein gave consent, aid, and assistance to each of the remaining
17 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as alleged
18 herein, except as may be hereinafter specifically alleged. At all material times, each Defendant was
19 jointly engaged in tortious activity and an integral participant in the conduct described herein,
20 resulting in the deprivation of Plaintiffs' constitutional rights and other harm.

21 20. The acts and omissions of all Doe Defendants as set forth herein were at all material
22 times pursuant to the actual customs, policies, practices and procedures of the COUNTY OF
23 ALAMEDA and the Alameda County Sheriff's Department, and/or CORIZON.

24 21. At all material times, each Defendant acted under color of the laws, statutes,
25 ordinances, and regulations of the State of California.

26 22. Each Plaintiff timely and properly filed tort claims pursuant to California
27 Government Code sections 910 et seq., and this action is timely filed within all applicable statutes of
28 limitation.

23. This complaint may be pled in the alternative pursuant to Federal Rule of Civil Procedure 8(d).

GENERAL ALLEGATIONS

24. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth here.

25. On or about August 16, 2010, Decedent MARTIN HARRISON was beaten, repeatedly struck, kicked, brutalized, repeatedly Tased, and improperly restrained by Defendant Deputies MATTHEW AHLF, ALEJANDRO VALVERDE, JOSHUA SWETNAM, ROBERTO MARTINEZ, ZACHARY LITVINCHUK, RYAN MADIGAN, MICHAEL BARENO, FERNANDO ROJAS-CASTANEDA, SHAWN SOBRERO, SOLOMON UNUBUN, and other unknown COUNTY OF ALAMEDA Defendant Sheriff Deputy DOES, in or near Housing Unit 33 at the Santa Rita Jail in Dublin, California.

26. Decedent MARTIN HARRISON came to be in the Santa Rita Jail following an arrest on or about August 13, 2010 – three days before Defendant Deputies’ vicious, deadly beating of him – on a warrant for a failure to appear. Decedent was a pretrial detainee. Decedent did not have a history of violence or crime.

27. On information and belief, during or around the time of his admission to jail, Decedent informed jail nursing staff, including but not limited to Defendant ZELDA SANCHO, L.V.N., that he drank alcohol every day, his last drink was that day, and he had a history of alcohol withdrawal. The nursing assessment notes provide in medical abbreviation: "with history of alcohol withdrawal" and "CIWA." On information and belief, CIWA stands for Clinical Institute Withdrawal Assessment, the standard assessment and protocol for identifying people at risk for severe alcohol withdrawal and providing a treatment protocol to detoxify the person safely.

28. On information and belief, Defendant SANCHO noted in a nursing assessment note that Decedent was placed on a CIWA protocol, but Defendants never followed through with the protocol. Defendants did not complete a CIWA screening questionnaire for Decedent, as required by COUNTY and/or CORIZON policy, procedure, and training. Defendants did not check Decedent's blood alcohol levels or perform any laboratory tests on Decedent. Defendants did not administer any medication to Decedent to prevent or treat alcohol withdrawal, including severe

1 alcohol withdrawal, a life-threatening medical emergency. No physician ever saw Decedent, and no
2 medical personnel ever performed a follow-up examination or provided any treatment to Decedent.

3 29. On or about August 15, 2010, Decedent issued a “sick call” slip requesting medical
4 care. Defendants did not follow up on Decedent’s request until two days later, after he had been
5 Tased and severely beaten and lay unconscious in the hospital.

6 30. In or around the early morning hours of August 16, 2010, Decedent was displaying
7 obvious signs of untreated severe alcohol withdrawal (also known as Delirium Tremens), a life-
8 threatening medical emergency. The signs and symptoms of severe alcohol withdrawal included,
9 for example, bizarre behavior, hallucinations, severe anxiety, disorientation to time and place, and
10 incoherent mumbling. At approximately 3:30 or 4:00 a.m., Defendant AHLF placed Decedent in an
11 isolation cell in Housing Unit 33 of Santa Rita Jail. Contrary to alcohol withdrawal protocols and to
12 jail policy, procedure, and training, Defendant AHLF failed to request that mental health or medical
13 personnel see Decedent. Decedent languished in the isolation cell for approximately twelve more
14 hours before anyone requested that he be evaluated.

15 31. At approximately 3:30 p.m. on or about August 16, 2010, a deputy left a telephone
16 message for jail mental health workers requesting that Decedent be seen for “bizarre behavior and
17 statements, not oriented to place, believed he was in his apartment and women there . . . mumbling
18 incoherently . . . Saw a nurse but not receiving any meds.”

19 32. Defendant MEGAN HAST, A.S.W., received the telephone message at
20 approximately 4:00 p.m. on or about August 16, 2010. HAST reviewed Decedent’s chart, saw that
21 he had a history of alcohol withdrawal and had been placed on CIWA, and recognized that his
22 symptoms were consistent with severe alcohol withdrawal, including Delirium Tremens, a life-
23 threatening medical emergency.

24 33. Defendant ALAMEDA COUNTY’s policy 13.01 on medical and health care
25 services, in effect at all material times mentioned herein, requires all correctional and other staff “to
26 respond to health-related situations within four minutes.” Contrary to this policy, neither Defendant
27 HAST, Defendant AHLF, nor any other jail or medical staff responded to Decedent’s medical
28 emergency within four minutes.

1 34. At approximately 4:30 p.m. on or about August 16, 2010, Defendant HAST called
2 Housing Unit 33 and learned that the deputy on duty there would be leaving in about thirty minutes.
3 Though HAST recognized that Decedent was displaying symptoms consistent with severe alcohol
4 withdrawal or Delirium Tremens, a medical emergency, she waited until 5:00 p.m. to go to see
5 Decedent. When HAST arrived at Housing Unit 33, there was no deputy present, and HAST did
6 not request another deputy to come so she could evaluate Decedent. Instead, HAST glanced inside
7 Decedent's cell, saw him standing at the toilet, and left without ever speaking with him.

8 35. Defendant HAST waited one more hour, until approximately 6:00 p.m., to call
9 Housing Unit 33 about Decedent. This time, she spoke with Defendant AHLF, who informed her
10 that he had placed Decedent in the observation cell early that morning due to Decedent's bizarre
11 behavior, being disoriented to time and place, and mumbling incoherently. Again, HAST
12 recognized the signs and symptoms as being consistent with alcohol withdrawal or Delirium
13 Tremens, but, again, she did not go to see Decedent. HAST also did not tell Defendant AHLF to
14 have another medical or mental health professional evaluate Decedent or inform him that Decedent
15 may be in a life-threatening medical emergency. HAST did not return to Housing Unit 33 to
16 evaluate Decedent until 7:00 p.m. – three hours after she first received the phone message – but by
17 that time, the Defendant Deputies had already Tased and brutalized Decedent.

18 36. Defendants SANCHO, HAST, and DOES 5-20 knew or must have known that
19 Decedent was chemically dependent on alcohol with serious medical needs, including the risk of
20 severe alcohol withdrawal with psychiatric impairments and Delirium Tremens, and Defendants
21 were deliberately indifferent to these serious medical needs. These defendants further knew or must
22 have known that if not treated, Decedent's serious medical condition would worsen and cause
23 Decedent harm or death. Despite this knowledge, these Defendants, acting under the color of state
24 law in their individual and personal capacities, through their deliberate indifference, subjected, or
25 allowed others to subject, Decedent to delay and denial of access to medical and mental health care
26 and treatment, failed to provide competent medical and mental health care and treatment, failed to
27 place him on appropriate CIWA or alcohol withdrawal protocol, and failed to provide him access
28 and delivery to a hospital for the care and treatment for his life-threatening medical emergency.

1 37. After Defendants denied Decedent reasonable and necessary medical care for his
 2 serious medical needs, Decedent reportedly broke a food tray in his cell, blocked the toilet, and
 3 made a mess of his cell. Decedent wore socks without shoes at this time.

4 38. Defendant AHLF responded to the cell by himself. AHLF failed to follow his
 5 training and COUNTY policy on how to handle a person with a mental disturbance. Rather than
 6 calming and deescalating the situation with backup ready, as he was trained, AHLF entered the cell
 7 alone, with a Taser in one hand and handcuffs in the other. As he was handcuffing Decedent,
 8 AHLF claims Decedent “tensed,” so AHLF pushed Decedent. AHLF’s push was the first contact
 9 between them and caused the situation with this obviously mentally impaired man to escalate.

10 39. After Defendant AHLF pushed Decedent all the way to the back of the cell, AHLF
 11 states that Decedent turned and started slowly walking toward him. At that point, AHLF Tased
 12 Decedent for two cycles, totaling ten seconds. After AHLF Tased him, Decedent ran for the door,
 13 slipped, and fell on the wet floor. Then, AHLF pounced on top of Decedent.

14 40. From that point on, Defendant AHLF, followed by Deputies VALVERDE,
 15 SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO,
 16 UNUBUN, and DOES, severely beat, punched, kicked, stomped, Tased, and brutalized Decedent,
 17 including five separate Tasings totaling twenty-seven seconds. Each Defendant deputy used, or
 18 caused the use of, extreme and/or deadly force against Decedent, causing severe injuries and deadly
 19 trauma to Decedent, including but not limited to as described below. Decedent never struck or
 20 kicked any deputy.

21 41. Defendants’ unjustified uses of force against Decedent on or about August 16, 2010
 22 caused his death on or about August 18, 2010. Apart from a history of alcohol abuse, Decedent was
 23 a healthy, 50-year-old man, who died with extreme physical injuries inflicted by the Defendants
 24 herein, including but not limited to: a 16-inch by 9-inch bruise over the right lateral portion of his
 25 neck, a 4-inch by 2.5-inch contusion on the right lateral side of his neck, a 12-inch by 17-inch bruise
 26 of the right arm, a 2.5-inch by 0.5-inch bruise on the right palm; two linear abrasions, about 1.75
 27 inches each, crossing each other to make a letter “z”, on the right upper arm; a 12-inch by 5-inch
 28 contusion on the left upper arm; a 10-inch by 4-inch contusion on the left forearm; a 2.25-inch
 contusion on the left palm; a 6-inch by 3.5-inch contusion on the right thigh; a 4-inch by 3.5-inch

1 contusion on the back right shoulder; a 5-inch by 4-inch contusion on Decedent's back between the
 2 12th rib and vertebral column; a 6-inch by 4-inch bruise on the left side of Decedent's back; and a
 3 5-inch by 4-inch bruise on the back of Decedent's left shoulder; a 5-inch contusion of the right
 4 clavicle; soft-tissue hemorrhaging of the upper chest; bi-lateral blood-tinged pleural effusions of
 5 about 600 to 700 cc's each (in what would ordinarily be the space around Decedent's lungs); 800
 6 cc's of blood-tinged fluid in the peritoneal cavity; 150 cc's of blood-tinged fluid in the pericardial
 7 sac; a 2-inch area of hemorrhage in the left pleural cavity; a 6-inch by 0.5-inch area of hemorrhage
 8 in the posterior-lateral surface of the left pleural cavity; an interrupted area of hemorrhaging in the
 9 right pleural cavity covering an area of about 8 inches by 2 inches; very prominent soft-tissue
 10 hemorrhaging in the in the posterior and posterior-lateral aspects of the right pleural cavity,
 11 extending from rib 2 or 3 all the way down to rib 12.

12 42. In addition to the foregoing evidence of an unrestrained, out of control, violent
 13 beating that killed Decedent, Defendant Deputies AHLF, VALVERDE, SWETNAM, MARTINEZ,
 14 LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, and DOES also caused
 15 further significant trauma to Decedent, all evidence of their homicide of Decedent: a 1.5-inch
 16 hemorrhage around the right front side of Decedent's larynx; a 2.25 by .75-inch area of hemorrhage
 17 over the midline of Decedent's neck; a .75-inch area of hemorrhage over the left side of the larynx;
 18 a 3/8-inch area of hemorrhage over the left side of the hyoid bone, and numerous significant areas
 19 of bruising and hemorrhaging on Decedent's cranial vault.

20 43. Defendant Deputies AHLF, VALVERDE, SWETNAM, MARTINEZ,
 21 LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, and DOES were integral
 22 participants in brutalizing, beating, striking, kicking, Tasing, applying a spit mask and excessive
 23 control holds, and unreasonably restraining Decedent MARTIN HARRISON. Further, each of
 24 these Defendant deputies failed to intervene to stop, prevent, or report the use of excessive and
 25 unreasonable force and restraint by other deputies.

26 44. Decedent MARTIN HARRISON was suffering from severe alcohol withdrawal, was
 27 vastly outnumbered by deputies, and never posed a serious or immediate threat to any person.

28 45. Defendants' conduct herein, including but not limited to their decision(s) to deny
 Decedent necessary medical care, failure to provide competent medical care and treatment, failure

1 to place him on appropriate CIWA or alcohol withdrawal protocol, failure to provide him access
2 and delivery to a hospital for the care and treatment for his life-threatening medical emergency, the
3 manner in which they treated and incarcerated him, and their other acts and omissions under these
4 circumstances, was contrary to generally accepted reasonable jail and medical procedures and
5 standards, failed to comply with the appropriate standard of care, and contributed to the wrongful
6 death of Martin Harrison.

7 46. The type and amount of force Defendant deputies used against Decedent as
8 described herein, including multiple Taser shocks, multiple blows to Decedent's head, neck, and
9 body, improper control holds, and restriction of Decedent's airways, neck, and back areas,
10 amounted to the use of deadly force under the circumstances. The use of deadly force was not
11 justified or lawful under the circumstances.

12 47. Alternatively, or concurrently, Defendant deputies' own excessive, unreasonable,
13 reckless, and provocative actions created a risk of harm to Decedent, created the situation in which
14 Defendant deputies used extreme force, and caused an escalation of events leading to Decedent's
15 death.

16 48. Defendant deputies' unreasonable restraint and use of excessive force against
17 Decedent was done at least in part because of Decedent's untreated serious medical needs and/or
18 psychiatric condition.

19 49. Following Defendant deputies' use of extreme and deadly force against Decedent,
20 Decedent was transferred to the jail infirmary, and then to the Valley Care Medical Center, with
21 anoxic brain damage after cardiac arrest. Decedent suffered severe acidosis, several more cardiac
22 arrests, and respiratory failure. Physicians withdrew life support on or about August 18, 2010, and
23 Decedent was pronounced dead at Valley Care Medical Center.

24 50. An autopsy performed by the COUNTY OF ALAMEDA Sheriff's Department,
25 Coroner's Bureau, on or about August 19, 2010, found injuries to Decedent previously described
26 herein, and also found that Decedent suffered shock, among other trauma, injuries, and sequelae.
27 The COUNTY OF ALAMEDA Sheriff's Department, Coroner's Bureau determined that Decedent
28 died from Anoxic Encephalopathy due to cardiac arrest following excessive physical exertion,

1 multiple blunt injuries, and Tasering. The COUNTY OF ALAMEDA coroner's investigator's
2 report found that the manner of death could not be determined.

3 51. Plaintiffs are informed and believe and thereon allege that asphyxiation of
4 individuals during restraint is well-documented and generally accepted such that law enforcement
5 agencies as a matter of routine train their peace officer personnel, such as Defendants AHLF,
6 VALVERDE, SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS,
7 SOBRERO, UNUBUN and DOES, in avoiding asphyxiation of individuals during restraint.

8 52. Plaintiffs further allege that Defendants were on notice that prolonged or continuous
9 exposure(s) to the Taser devices's electrical discharge has been proven to cause severe injury and
10 death. In fact, Taser International, the manufacturer of the Taser, issued a warning bulletin to law
11 enforcement agencies published on or about August 28, 2006, and on other occasions, specifically
12 warning Taser users to avoid prolonged, continuous, extended, or repeated Taser applications
13 against people. The same warning bulletin specifically noted that in laboratory tests on anesthetized
14 pigs, repeated Taser exposure caused cessation of breathing during the exposure. Likewise, the
15 same warning bulletin specifically noted that people who displayed symptoms of exhaustion or an
16 alleged syndrome called 'excited delirium,' may be at risk of breathing impairment caused by
17 exposure to the Taser.

18 53. Defendant deputies grossly violated the training and standards for proper and safe
19 restraint of a person, and in using the Taser repeatedly, and in use of force, and in a prolonged
20 manner in their misconduct against Decedent. Plaintiffs also allege that the extreme physical
21 injuries to Decedent – especially the injuries to Decedent's neck, lung cavity, torso, and head – are
22 all evidence of an extremely high degree of force, and of wanton and willful violations of
23 Decedent's and Plaintiffs' Constitutional rights.

24 54. Decedent's death was the result of all Defendants' deliberately indifferent failure to
25 summon and/or provide medical for Decedent's serious medical needs, and the unreasonable seizure
26 and restraint, use of excessive force, conduct without a legitimate law enforcement purpose, and
27 cruel and unusual punishment by Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ,
28 LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN and DOES.

1 55. Alternatively or concurrently, Decedent's death was the proximate result of
2 Defendant COUNTY'S and SHERIFF AHERN'S failure to reasonably train their Deputy Sheriffs
3 in the proper and reasonable use of force, failure to implement and enforce generally accepted,
4 lawful policies and procedures at the jail, and allowing and/or ratifying excessive and unreasonable
5 force and restraint, and deliberate indifference to the serious medical/psychiatric needs of inmates.
6 These substantial failures reflect Defendant COUNTY'S policies implicitly ratifying and/or
7 authorizing the deliberate indifference to serious medical needs and the use of excessive and
8 unreasonable force and restraint by its Deputy Sheriffs and the failure to reasonably train, instruct,
9 monitor, supervise, investigate, and discipline deputy sheriffs employed by Defendant COUNTY in
10 the use of force.

11 56. Alternatively or concurrently, Decedent's death was the proximate result of
12 Defendant CORIZON and ORR'S failure to reasonably train their medical and mental healthcare
13 staff in the proper and reasonable care of alcohol addicted, mentally ill, and/or emotionally
14 disturbed inmates, failure to implement and enforce generally accepted, lawful policies and
15 procedures at the jail, and deliberate indifference to the serious medical/psychiatric needs of
16 inmates. These substantial failures reflect Defendant CORIZON'S policies implicitly ratifying
17 and/or authorizing the deliberate indifference to serious medical needs by its medical and mental
18 healthcare staff and the failure to reasonably train, instruct, monitor, supervise, investigate, and
19 discipline medical and mental healthcare staff employed by Defendant CORIZON in the handling
20 of alcohol addicted, mentally ill, and/or emotionally disturbed inmates.

21 57. At all material times, and alternatively, the actions and omissions of each Defendant
22 were intentional, wanton, and/or willful, conscience-shocking, reckless, malicious, deliberately
23 indifferent to Decedent's and Plaintiffs' rights, done with actual malice, grossly negligent,
24 negligent, and objectively unreasonable. The killing of Decedent MARTIN HARRISON described
25 herein was brutal, malicious, and done without just provocation or cause, proximately causing
26 Plaintiffs' injuries and resulting damages.

27 58. As a direct and proximate result of each Defendant's acts and/or omissions as set
28 forth above, Plaintiffs sustained the following injuries and damages, past and future, among others:

- a. Wrongful death of MARTIN HARRISON;

- b. Hospital and medical expenses;
- c. Coroner's fees, funeral and burial expenses;
- d. Loss of support and familial relationships, including loss of love, companionship, comfort, affection, society, services, solace, and moral support;
- e. Loss of economic support;
- f. Violation of constitutional rights;
- g. Emotional distress;
- h. MARTIN HARRISON's loss of life, pursuant to federal civil rights law;
- i. MARTIN HARRISON's conscious pain, suffering, and disfigurement, pursuant to federal civil rights law;
- j. All damages and penalties recoverable under 42 U.S.C. §§ 1983 and 1988, and as otherwise allowed under California and United States statutes, codes, and common law.

**FIRST CAUSE OF ACTION
(42 U.S.C. § 1983)**

**ALL PLAINTIFFS AGAINST DEFENDANTS AHLF, VALVERDE, SWETNAM,
MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN,
SANCHO, HAST, AND DOES 5-20**

59. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth here.

60. By the actions and omissions described above, Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, SANCHO, HAST, and DOES 5-20 violated 42 U.S.C. § 1983, depriving Plaintiffs of the following clearly established and well-settled constitutional rights protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution:

a. The right to be free from unreasonable searches and seizures, as secured by the Fourth and Fourteenth Amendments:

- 1 b. The right to be free from excessive and unreasonable force and restraint in
2 the course of search and seizure as secured by the Fourth and Fourteenth
3 Amendments;
- 4 c. The right to be free from unlawful conscience-shocking force as secured by
5 the Fourteenth Amendment;
- 6 d. The right to be free from deliberate indifference to Decedent's serious
7 medical needs while in custody as a pretrial detainee as secured by the
8 Fourteenth Amendment; and
- 9 e. The right to be free from wrongful government interference with familial
10 relationships and Plaintiffs' right to companionship, society, and support of
11 each other, as secured by the First, Fourth, and Fourteenth Amendments, and
12 as secured by California Code of Civil Procedure §§ 377.20 et seq. and
13 377.60 et seq.

14 61. Defendants subjected Plaintiffs to their wrongful conduct, depriving Plaintiffs of
15 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
16 whether the rights and safety of Plaintiffs (individually and on behalf of MARTIN HARRISON)
17 and others would be violated by their acts and/or omissions.

18 62. As a direct and proximate result of Defendants' acts and/or omissions as set forth
19 above, Plaintiffs sustained injuries and damages as set forth above at paragraph 58.

20 63. The conduct of Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ,
21 LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, SANCHO, HAST, and
22 DOES 5-20 entitles Plaintiffs to punitive damages and penalties allowable under 42 U.S.C. § 1983
23 and California Code of Civil Procedure §§ 377.20 et seq., and other state and federal law. Plaintiffs
24 do not seek punitive damages against municipal defendants.

25 64. Plaintiffs are also entitled to reasonable costs and attorneys fees under 42 U.S.C. §
26 1988 and applicable California codes and laws.

SECOND CAUSE OF ACTION

(*Monell* - 42 U.S.C. § 1983)

**ALL PLAINTIFFS AGAINST DEFENDANTS COUNTY OF ALAMEDA, AHERN,
CORIZON, ORR, AND DOES 5-20**

65. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth here.

66. The unconstitutional actions and/or omissions of Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, SANCHO, HAST, and DOES 5-20, as well as other officers employed by or acting on behalf of the Defendants COUNTY OF ALAMEDA and/or CORIZON, on information and belief, were pursuant to the following customs, policies, practices, and/or procedures of the COUNTY OF ALAMEDA and/or CORIZON, stated in the alternative, which were directed, encouraged, allowed, and/or ratified by policymaking officers for the COUNTY and its Sheriff's Department, and/or CORIZON:

- a. To use or tolerate the use of excessive and/or unjustified force;
- b. To use or tolerate the use of unlawful deadly force;
- c. To engage in or tolerate unreasonable seizures and restraints;
- d. To engage in or tolerate the improper and dangerous misuse of the Taser;
- e. To fail to institute, require, and enforce proper and adequate training, supervision, policies, and procedures concerning seizures and the use of control holds and restraint techniques, including avoiding asphyxiation of subjects being restrained by deputy sheriffs and avoiding blows to a subject's head and/or neck during altercations absent justification;
- f. To fail to institute, require, and enforce proper and adequate training, supervision, policies, and procedures concerning the Taser;
- g. To fail to use appropriate and generally accepted law enforcement procedures for handling mentally ill and/or emotionally disturbed persons;
- h. To fail to institute, require, and enforce proper and adequate training, supervision, policies, and procedures concerning handling mentally ill and/or emotionally disturbed persons;

- 1 i. To deny inmates at the COUNTY's jail access to appropriate, competent, and
2 necessary care for serious medical and psychiatric needs;
- 3 j. To fail to institute proper procedures for prevention and treatment of severe
4 alcohol withdrawal, to coordinate inmate assessment, placement, CIWA
5 decisions, and care with the jail physicians and nursing staff, jail mental
6 health staff, and jail corrections staff;
- 7 j. To fail to institute, require, and enforce proper and adequate training,
8 supervision, policies, and procedures concerning handling alcohol addicted,
9 mentally ill and/or emotionally disturbed inmates at the County Jail;
- 10 k. To cover up violations of constitutional rights by any or all of the following:
11 i. By failing to properly investigate and/or evaluate complaints or
12 incidents of excessive and unreasonable force, unlawful seizures,
13 and/or handling of mentally ill and/or emotionally disturbed persons;
14 ii. By ignoring and/or failing to properly and adequately investigate
15 and/or investigate and discipline unconstitutional or unlawful law
16 enforcement activity; and
17 iii. By allowing, tolerating, and/or encouraging law enforcement officers
18 to: fail to file complete and accurate reports; file false reports; make
19 false statements; intimidate, bias and/or "coach" witnesses to give
false information and/or to attempt to bolster officers' stories; and/or
obstruct or interfere with investigations of unconstitutional or
unlawful law enforcement conduct by withholding and/or concealing
material information;
- 20 l. To allow, tolerate, and/or encourage a "code of silence" among law
21 enforcement officers and sheriff's department personnel, whereby an officer
22 or member of the sheriff's department does not provide adverse information
against a fellow officer or member of the department; and
23 m. To use or tolerate inadequate, deficient, and improper procedures for
24 handling, investigating, and reviewing complaints of officer misconduct,
including claims made under California Government Code §§ 910 et seq.

25 67. Defendants COUNTY OF ALAMEDA, AHERN, CORIZON, ORR, and DOES 5-20

26 failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline

27 Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN,

28 BARENO, ROJAS, SOBRERO, UNUBUN, SANCHO, HAST, and DOES 5-20, and other

1 COUNTY, Sheriff's Department, and CORIZON personnel, with deliberate indifference to
2 Plaintiffs' constitutional rights, which were thereby violated as described above.
3

4 68. The unconstitutional actions and/or omissions of Defendants AHLF, VALVERDE,
5 SWETNAM, MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO,
6 UNUBUN, SANCHO, HAST, and DOES 5-20 and other Sheriff's Department personnel, as
7 described above, were approved, tolerated, and/or ratified by policymaking officers for the
8 COUNTY OF ALAMEDA and its Sheriff's Department, including Defendant SHERIFF AHERN,
9 and by CORIZON and DR. ORR. Plaintiffs are informed and believe and thereon allege that the
10 details of this incident have been revealed to the authorized policymakers within the COUNTY OF
11 ALAMEDA, the Alameda County Sheriff's Department, and CORIZON, and that such
12 policymakers have direct knowledge of the fact that the death of MARTIN HARRISON was not
13 justified, but rather represented an unconstitutional display of unreasonable, excessive and deadly
14 force, cruel and unusual punishment, and deliberate indifference to serious medical needs.
15 Notwithstanding this knowledge, the authorized policymakers within the COUNTY, its Sheriff's
16 Department, and CORIZON have approved of AHLF, VALVERDE, SWETNAM, MARTINEZ,
17 LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN, SANCHO, HAST and
18 DOES 5-20's conduct and decisions in this matter, and have made a deliberate choice to endorse
19 such conduct and decisions, and the basis for them, that resulted in the death of MARTIN
20 HARRISON. By so doing, the authorized policymakers within the COUNTY and its Sheriff's
21 Department have shown affirmative agreement with the individual Defendants' actions and have
22 ratified the unconstitutional acts of the individual Defendants.
23

24 69. The aforementioned customs, policies, practices, and procedures; the failures to
25 properly and adequately hire, train, instruct, monitor, supervise, evaluate, investigate, and
26 discipline; and the unconstitutional orders, approvals, ratification, and toleration of wrongful
27

1 conduct of Defendants COUNTY OF ALAMEDA, AHERN, ORR, and DOES 5-20 were a moving
 2 force and/or a proximate cause of the deprivations of Plaintiffs' clearly established and well-settled
 3 constitutional rights in violation of 42 U.S.C. § 1983, as more fully set forth above in paragraph 58.
 4

5 70. Defendants subjected Plaintiffs to their wrongful conduct, depriving Plaintiffs of
 6 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
 7 whether the rights and safety of Plaintiffs and others would be violated by their acts and/or
 8 omissions.
 9

10 71. As a direct and proximate result of the unconstitutional actions, omissions, customs,
 11 policies, practices, and procedures of Defendants COUNTY OF ALAMEDA, AHERN, ORR, and
 12 DOES 5-20 as described above, Plaintiffs sustained serious and permanent injuries and are entitled
 13 to damages, penalties, costs, and attorneys fees as set forth above in paragraphs 61-64, and punitive
 14 damages against Defendants SHERIFF AHERN, ORR, and DOES 5-20 in their individual
 15 capacities.
 16

17 **THIRD CAUSE OF ACTION**
 18 **(Violation of Civil Code § 52.1)**
ALL PLAINTIFFS AGAINST ALL DEFENDANTS

19 72. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth
 20 here.
 21

22 73. By their acts, omissions, customs, and policies, each Defendant acting in
 23 concert/conspiracy, as described above, and with threats, intimidation, and/or coercion, violated
 24 Plaintiffs' rights under California Civil Code § 52.1 and the following clearly established rights
 25 under the United States Constitution and California Constitution:
 26

27 a. The right to be free from unreasonable searches and seizures, as secured by
 28 the Fourth and Fourteenth Amendments;
 b. The right to be free from excessive and unreasonable force and restraint in
 the course of search and seizure as secured by the Fourth and Fourteenth
 Amendments;

- 1
- 2 c. The right to be free from unlawful conscience-shocking force as secured by
3 the Fourteenth Amendment;
- 4 d. The right to be free from deliberate indifference to Decedent's serious
5 medical needs while in custody as a pretrial detainee as secured by the
6 Fourteenth Amendment to the U.S. Constitution and by California
7 Constitution, Article 1, Sections 7 and 17; and
- 8 e. The right to be free from wrongful government interference with familial
9 relationships and Plaintiffs' right to companionship, society, and support of
10 each other, as secured by the First, Fourth, and Fourteenth Amendments, and
11 as secured by California Code of Civil Procedure §§ 377.20 et seq. and
12 377.60 et seq.
- 13 f. The right to enjoy and defend life and liberty; acquire, possess, and protect
14 property; and pursue and obtain safety, happiness, and privacy, as secured by
15 the California Constitution, Article 1, Section 1;
- 16 g. The right to life, liberty, and property and not to be deprived of those without
17 due process of law, as secured by the California Constitution, Article 1,
18 Section 7;
- 19 h. The right to be free from unlawful and unreasonable seizure of one's person,
20 including the right to be free from unreasonable or excessive deadly force, as
21 secured by the California Constitution, Article 1, Section 13;
- 22 i. The right to protection from bodily restraint, harm, or personal insult, as
23 secured by California Civil Code § 43; and
- 24 j. The right to medical care as required by California Government Code §
25 845.6.

26 74. As a direct and proximate result of Defendants' violation of California Civil Code §
27 52.1 and of Plaintiffs' rights under the United States and California Constitutions, Plaintiffs
28 sustained injuries and damages, and against each and every Defendant are entitled to relief as set
29 forth above at paragraphs 61-64, and punitive damages against all individual Defendants, including
30 all damages allowed by California Civil Code §§ 52 and 52.1 and California law, not limited to
31 costs attorneys fees, and civil penalties.

**FOURTH CAUSE OF ACTION
(Negligence)**
ALL PLAINTIFFS AGAINST ALL DEFENDANTS

75. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth here.

76. At all times, each Defendant owed Plaintiffs the duty to act with due care in the execution and enforcement of any right, law, or legal obligation.

77. At all times, each Defendant owed Plaintiffs the duty to act with reasonable care.

78. These general duties of reasonable care and due care owed to Plaintiffs by all Defendants include but are not limited to the following specific obligations:

- a. To provide, or cause to be provided, prompt and appropriate medical care for Decedent;
- b. To summon necessary and appropriate medical care for Decedent;
- c. To refrain from using excessive and/or unreasonable force against Decedent;
- d. To refrain from unreasonably creating the situation where force, including but not limited to deadly force, is used;
- e. To refrain from unreasonably creating danger or increasing Decedent's risk of harm;
- f. To use generally accepted law enforcement procedures and tactics that are reasonable and appropriate for Decedent's status as an alcohol addicted, mentally ill and/or emotionally disturbed person with serious medical needs;
- g. To refrain from abusing their authority granted them by law;
- h. To refrain from violating Plaintiffs' rights as guaranteed by the United States and California Constitutions, as set forth above, and as otherwise protected by law.

79. Additionally, these general duties of reasonable care and due care owed to Plaintiffs by Defendants COUNTY OF ALAMEDA, SHERIFF AHERN, CORIZON, DR. ORR, and DOES 5-20 include but are not limited to the following specific obligations:

- 1 a. To properly and reasonably hire, supervise, train, retain, investigate, monitor, evaluate, and discipline each person (i) who was responsible for providing medical and mental health care for Decedent, (ii) who was responsible for the safe and appropriate jail custody of Decedent, (iii) who denied Decedent medical attention or access to medical care and treatment, and/or (iv) who failed to summon necessary and appropriate medical care for Decedent;
- 2 b. To properly and adequately hire, investigate, train, supervise, monitor, evaluate, and discipline their employees, agents, and/or law enforcement officers to ensure that those employees/agents/officers act at all times in the public interest and in conformance with the law;
- 3 c. To institute and enforce proper procedures and training for prevention and treatment of severe alcohol withdrawal, to coordinate inmate assessment, placement, CIWA decisions, and care with the jail physicians and nursing staff, jail mental health staff, and jail corrections staff;
- 4 d. To make, enforce, and at all times act in conformance with policies and customs that are lawful and protective of individual rights, including Plaintiffs';
- 5 e. To refrain from making, enforcing, and/or tolerating the wrongful policies and customs set forth above at paragraph 66.

15 80. Defendants, through their acts and omissions, breached each and every one of the
 16 aforementioned duties owed to Plaintiffs.

18 81. As a direct and proximate result of Defendants' negligence, Plaintiffs sustained
 19 injuries and damages, and against each and every Defendant are entitled to relief as set forth above
 20 at paragraphs 61-64, and punitive damages against all individual Defendants.

21 **FIFTH CAUSE OF ACTION**
 22 **(Assault and Battery)**

23 **ALL PLAINTIFFS AGAINST DEFENDANTS AHLF, VALVERDE, SWETNAM,**
 24 **MARTINEZ, LITVINCHUK, MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN,**
DOES 5-20, AND ALAMEDA COUNTY

25 82. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth
 26 here.

28 83. Defendants AHLF, VALVERDE, SWETNAM, MARTINEZ, LITVINCHUK,
 MADIGAN, BARENO, ROJAS, SOBRERO, UNUBUN and DOES 5-20, inclusive, placed

1 Plaintiffs' Decedent in immediate fear of death and severe bodily harm, and killed him by beating
 2 and him without just provocation or cause, constituting assault and battery.
 3

4 84. These defendants' conduct was neither privileged nor justified under statute or
 5 common law.
 6

7 85. As a direct and proximate result of Defendants' assault and battery of Plaintiffs'
 8 Decedent, Plaintiffs sustained injuries and damages and are entitled to relief as asset forth above at
 9 paragraphs 61-64, and punitive damages against all individual Defendants in their individual
 10 capacities.
 11

SIXTH CAUSE OF ACTION
(Violation of California Government Code § 845.6)
ALL PLAINTIFFS AGAINST DEFENDANTS AHLF, HAST, DOES 5-20, ALAMEDA
COUNTY AND CORIZON

12 86. Plaintiffs reallege each and every paragraph in this complaint as if fully set forth
 13 here.
 14

15 87. Defendants AHLF, HAST, and DOES 5-20 knew or had reason to know that
 16 Decedent was in need of immediate and higher level medical care, treatment, observation and
 17 monitoring, including being placed on appropriate CIWA or alcohol withdrawal protocol, and being
 18 transferred for emergency inpatient hospitalization once Decedent was in severe alcohol
 19 withdrawal, and each failed to take reasonable action to summon and/or to provide him access to
 20 such medical care and treatment. Each such individual defendant, employed by and acting within
 21 the course and scope of his/her employment with Defendant COUNTY, knowing and/or having
 22 reason to know this, failed to take reasonable action to summon and/or provide Decedent access to
 23 such care and treatment in violation of California Government Code § 845.6.
 24

25 88. As legal cause of the aforementioned acts of ALL DEFENDANTS, Plaintiffs were
 26 injured as set forth above, and their losses entitle them to all damages allowable under California
 27
 28

1 law. Plaintiffs sustained serious and permanent injuries and are entitled to damages, penalties,
2 costs, and attorney fees under California law as set forth in paragraphs 61-64, above.
3

4 **RELIEF REQUESTED**

5 WHEREFORE, Plaintiffs respectfully request the following relief against each and every
6 Defendant herein, jointly and severally:

- 7 a. Compensatory and exemplary damages in an amount according to proof and
which is fair, just, and reasonable;
- 8 b. Punitive damages under 42 U.S.C. § 1983 and California law in an amount
according to proof and which is fair, just, and reasonable;
- 9 c. All other damages, penalties, costs, interest, and attorneys fees as allowed by
42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure §§ 377.20 et
seq., 377.60 et seq., and 1021.5; California Civil Code §§ 52 et seq., 52.1;
and as otherwise may be allowed by California and/or federal law;
- 10 d. Declaratory and injunctive relief, including but not limited to the following:
 - 11 i. An order prohibiting Defendants and their sheriff's deputies from
unlawfully interfering with the rights of Plaintiffs and others to be
free from unreasonable seizures and restraints and excessive and
unreasonable force;
 - 12 ii. An order requiring Defendants to institute and enforce appropriate
and lawful policies and procedures for the safe use of Tasers;
 - 13 iii. An order requiring Defendants to institute and enforce appropriate
and lawful policies and procedures for handling addicted, mentally
ill and/or emotionally disturbed persons, and/or persons with serious
medical needs;
 - 14 iv. An order prohibiting Defendants and their sheriff's deputies from
engaging in the "code of silence" as may be supported by the
evidence in this case;
 - 15 v. An order requiring Defendants to train all sheriff's deputies
concerning generally accepted and proper tactics and procedures for
the use of deadly force, the use of Tasers, and the handling of
addicted, mentally ill and/or emotionally disturbed persons, and/or
persons with serious medical needs and this Court's orders
concerning the issues raised in injunctive relief requests i-iv, above;
 - 16 vi. An order requiring Defendants to train all medical and mental health
professionals concerning generally accepted and proper tactics and

1 procedures for the care and treatment of chemically dependent,
2 mentally ill and/or emotionally disturbed persons and/or persons
3 with serious medical needs and this Court's order concerning the
issues raised in injunctive relief request iii, above.

4 e. Such other and further relief as this Court may deem appropriate.
5

6 **JURY DEMAND**

7 Plaintiffs hereby demand a jury trial in this action.
8

9 Dated: November 19, 2012

THE LAW OFFICES OF JOHN L. BURRIS

10 /s/ John L. Burris

11 _____
12 JOHN L. BURRIS
13 Attorneys for Plaintiff

14 Dated: November 19, 2012

15 HADDAD & SHERWIN

16 /s/ Michael J. Haddad

17 _____
18 MICHAEL J. HADDAD
19 Attorneys for Plaintiffs